

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Notice of Violation Under
Section 113(a)(1) of the Clean Air
Act to USX Corporation

DATE: NOV 20 1994

FROM: *for* *Donna A. Weiss*
Bernard E. Turlinski, Chief
Air Enforcement Branch (3AT20)

TO: Thomas J. Maslany, Director
Air, Radiation and Toxics Division (3AT00)

I. Recommended Action

Signature of the attached Notice of Violation (NOV) notifying USX Corporation that EPA has found that USX Corporation has violated a requirement of the Pennsylvania State Implementation Plan (SIP) and the Coke Oven NESHAP under the federal Clean Air Act at the USX Clairton Works plant located in Pennsylvania. The violations found involve venting the unburned raw coke oven gas to the open air and extended flaring of the raw coke oven gas resulting in excessive emissions of H₂S and SO₂, as well as other hazardous air pollutants associated with combustion of undesulfurized coke oven gas.

II. Location of Violator

Pittsburgh, Pennsylvania

III. Requirements Violated

III.1. The "National Emission Standards for Coke Oven Batteries"; final rule, 40 CFR Part 63, Subparts "A" and "L", established pursuant to section 112 of the CAA as amended November 15, 1990, provide, among other things, that

III.1.1. "Coke oven emissions shall not be vented to the atmosphere through bypass/bleeder stacks, except through the flare system..." [§63.307(a)(2)]

III.1.2. "Each flare shall have either a continuously operable pilot flame or an electronic igniter..." [§63.307(b)(2)]

III.1.3. "Each flare ... shall be operated with no visible emissions ..., except for periods not to exceed a total of 5 minutes during any 2 consecutive hours." [§63.307(c)]

III.2. The Pennsylvania SIP includes Article XX, Section 530 which provides, among other things, that "...no person shall operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air."

IV. Nature of Violations and Rationale for NOV

USX Corporation operates a Clairton Works plant located near Pittsburgh, Pennsylvania ("Facility"). The Facility is equipped with coke oven batteries Nos. 1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20, and B. The Facility is also equipped with a by-product chemical recovery plant and a desulfurization plant consisting of vacuum carbonate, cyanide destruction, Claus 400, Claus 600, and Scott Units, as well as with auxiliary facilities.

On October 4, 1994, due to a cable fault at the Electric Distribution Center #1 at the Clairton Works plant, six Main Axis Compressors were temporarily lost resulting in a gas suction pressure drop. Subsequently, the flares were activated at all 12 batteries. The Battery #20 flare failed to ignite because the flare ignition system (pilot flame) was not operable. The inoperable condition of the ignition system was known to the plant personnel for some time before the venting accident occurred. Attempts by the plant personnel to re-light the pilot light before the time of the venting episode were unsuccessful.

The USX Corporation is found to have been in violation of the provisions of the Coke Oven NESHAP (40 CFR Part 63), and Article XX, Section 530, for venting the unburned raw coke oven gas into the open air for a duration of 120 minutes. The estimated quantity of H_2S released into the open air is about 1,200 lbs. Appreciable quantities of other hazardous air pollutants normally presented in the raw coke oven gas were also released. The pilot flame design is being currently evaluated by USX Corporation.

The USX Corporation is also found to have been in violation of the provisions of the Article XX, Section 530 for an extended flaring of the raw coke oven gas at the remaining 11 batteries for a total of 910 minutes. The extended flaring resulted in excessive emissions of hazardous air pollutants associated with combustion of undesulfurized coke oven gas. (The data in paragraphs 8, 9, and 10 have been compiled from the "Notice of Breakdown of Equipment", Article XX - Section 202.C. of October 7, 1994.)

V. State/Local Agency Involvement

Several discussions were held with ACHD personnel (C. Goetz, W. Gilson, and W. Clark) on the subject matter. Mr. Goetz expressed an opinion that ACHD would be willing and able to handle this serious violation pursuant to its quarterly enforcement policy and that it was not necessary for EPA to issue a NOV. Mr. Goetz, however, stated that he would not object to the issuance of a NOV.

It should be noted that

- a) enforcement of the Coke Oven NESHAAP has not yet been delegated either to the State, or to the County. Region III is the sole agency responsible for the enforcement of the rule.
- b) the violations are substantial
- c) due to the County's quarterly enforcement programmatic limitation, an anticipated action by the County would not happen before February 1995.

Issuance of a NOV would be a clear indication to USX about the seriousness with which we view these violations. Although a NOV is not necessary for enforcement of NESHAAP violations, it is a prerequisite to any enforcement action for violation of a SIP requirement. Therefore, issuance of a NOV would preserve our ability to pursue appropriate enforcement in the future, as warranted.

VI. Conclusion

EPA should proceed to issue the attached Notice of Violation to USX Corporation at the earliest possible date.

Attachment

Tom:

Roger Westman was contacted regarding the issuance of the NOV. He was aware of the problem. He asked if we were asking USX to do anything. He was told that this is just an NOV and that USX could request a Conference to discuss how it was addressing the problem. Subsequent to the source's response to the NOV, we may pursue an Administrative Penalty Action. We will inform the County should we decide to pursue further action. The County has no problem with the issuance of the NOV.

Donna



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

In Reply Refer to: 3AT23

250 1 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles G. Carson, III, Ph.D.
Vice President
Environmental Affairs
USX Corporation
600 Grant Street
Pittsburgh, Pennsylvania 15219-2749

Re: Notice of Violation Issued to USX Corporation
Clairton Works Plant.
EPA Docket No. 94-044-PA
Plant Identification # 42-003-00032.

Dear Dr. Carson:

The United States Environmental Protection Agency (EPA) hereby informs USX Corporation, by the attached Notice of Violation, that it is operating its Clairton Works plant located in Clairton, Allegheny County, Pennsylvania in violation of applicable federally enforceable air pollution control requirements.

EPA has sent copies of this Notice of Violation to Dr. Roger Westman, Division Manager, Allegheny County Health Department, Division of Air Quality; and to the following USX officials: G. T. Weber, Jr., Manager of the Clairton Works plant that is in violation; Richard Dworek, General Manager, Environmental Affairs; and Stephen K. Todd, Senior General Counsel, Environmental.

If you have any questions regarding this Notice, please contact Bernard E. Turlinski, Chief, Air Enforcement Branch at (215) 597-3989 or Michael Ioff of his staff at (215) 597-9858.

Sincerely,


Thomas J. Maslany, Director
Air, Radiation & Toxics Division

Enclosure

cc: William C. Smith, EPA Region III
David Street, DOJ
Richard Dworek, USX Corporation
Stephen Todd, USX Corporation
Dorothy Servis, Reed, Smith, Shaw & McClay

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

| | |
|----------------------|---------------------|
| -----X | |
| In the Matter of: | Notice of Violation |
| USX Corporation | EPA Docket No. |
| Clairton Works plant | 94-044-PA |
| AFS # 42-003-00032 | |
| -----X | |

STATUTORY AUTHORITY

THIS NOTICE OF VIOLATION (NOV) is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), as amended on November 15, 1990 by P.L. 101-549, 42 U.S.C. Section 7413(a)(1), to USX Corporation for violations of the federally enforceable Pennsylvania State Implementation Plan (SIP) at the Clairton Works plant located near Pittsburgh, Pennsylvania. Section 113(a)(1) of the Act requires the Administrator of the United States Environmental Protection Agency (EPA) to notify a person in violation of a state implementation plan or permit of the violation. The authority to issue NOV's for SIP violations has been delegated to the Director of EPA Region III's Air, Radiation & Toxics Division.

This NOV further notifies USX Corporation that the conduct or actions giving rise to the SIP violation at the Clairton Works plant also constitute violations of the "National Emission Standards for Coke Oven Batteries" (Coke Oven NESHAP).

FINDINGS

1. EPA is authorized by the Act to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable state implementation plans or permits.

2. The term "applicable implementation plan" is defined in Section 302(q) of the Act, 42 U.S.C. § 7602(q).

3. The applicable implementation plan for the state of Pennsylvania [hereinafter referred to as the "Pennsylvania SIP"] is codified at 40 C.F.R. Part 52, Subpart NN, § 52.2020 et seq.

4. The Pennsylvania SIP includes Article XX, Section 530 of the rules and regulations of the Allegheny County Health Department governing air pollution control, (hereafter, Article XX, Section 530), which provides, among other things, that

4.1. "...no person shall operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air."

4.2. "...no person shall flare, mix or combust coke oven gas ... unless the concentration of sulfur compounds, expressed as hydrogen sulfide, in such gas is less than or equal to ... 50 grains per hundred dry cubic feet of coke oven gas."

5. The "National Emission Standards for Coke Oven Batteries"; final rule, 40 CFR Part 63, Subparts "A" and "L", established pursuant to section 112 of the CAA as amended November 15, 1990, provides, among other things, that

5.1. "Coke oven emissions shall not be vented to the atmosphere through bypass/bleeder stacks, except through the flare system..." [§63.307(a)(2)]

5.2. "Each flare shall have either a continuously operable pilot flame or an electronic igniter..." [§63.307(b)(2)]

5.3. "Each flare ... shall be operated with no visible emissions ..., except for periods not to exceed a total of 5 minutes during any 2 consecutive hours." [§63.307(c)]

6. USX Corporation operates the Clairton Works plant located near Pittsburgh, Pennsylvania ("Facility"). The Facility is equipped with coke oven batteries Nos. 1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20, and B. The Facility is also equipped with a by-product chemical recovery plant and a desulfurization plant consisting of vacuum carbonate, cyanide destruction, Claus 400, Claus 600, and Scott Units, as well as with auxiliary facilities. The plant rated production capacity is more than seventy million dry standard cubic feet of coke oven gas per day.

7. On October 4, 1994, due to a reported cable fault at the Electric Distribution Center #1 at the Clairton Works plant, five Main Axi Compressors were temporarily disabled resulting in a gas suction pressure drop. Subsequently, the flares were activated at all 12 batteries. The Battery #20 flare failed to ignite because the flare ignition system (pilot flame) was not operable. The inoperable condition of the ignition system was known to the plant personnel for some time before the venting accident occurred. Attempts by the plant personnel to re-light the pilot flame before the time of the venting episode were unsuccessful.

8. As a result of the event described in Paragraph 7 above, USX Corporation is found to have been in violation of the provisions of the Coke Oven NESHAP (40 CFR Part 63) and Article XX, Section 530 of the Pennsylvania SIP for venting the unburned raw coke oven gas into the open air for a duration of 120

minutes. The estimated quantity of H₂S released into the open air is approximately 1,200 pounds. Appreciable quantities of other hazardous air pollutants normally present in the raw coke oven gas were also released.

9. As a result of the event described in Paragraph 7 above, USX Corporation is also found to have been in violation of provisions of Article XX, Section 530 of the Pennsylvania SIP for an extended flaring of the raw coke oven gas at the remaining 11 batteries for a total of 910 minutes. The flaring resulted in excessive emissions of hazardous air pollutants associated with flaring/combustion of undesulfurized coke oven gas with the concentration of hydrogen sulfide in the gas being substantially higher than 50 grains per 100 dry standard cubic feet.

10. The data in paragraphs 7, 8 and 9 have been compiled from the "Notice of Breakdown of Equipment Article XX - Section 202.C." dated October 7, 1994 that was prepared by USX Corporation and received by EPA on November 3, 1994.

11. Therefore, USX Corporation is found to have been in violation of the federally enforceable Coke Oven NESHAP (40 CFR Part 63) and the Pennsylvania SIP (Article XX, Section 530) since 10/04/94, and will be presumed to remain in violation until it establishes continuous compliance by determining the reason (or reasons) for the Battery #20 flare ignition system failure and by taking the necessary corrective actions.

ENFORCEMENT

Section 113(a)(1) of the Act, as amended, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the date on which an NOV is issued, the Administrator of EPA, or an EPA official authorized to act as her representative, may, without regard to the period of violation (subject to 28 U.S.C. § 2462) to the following actions with respect to violations of a state implementation plan:

- issue an order requiring the person to comply with the requirements or prohibitions of the applicable federal regulation, state implementation plan or permit,
- issue an administrative penalty order in accordance with Section 113(d) of the Act, 42 U.S.C. § 7413(d), assessing civil administrative penalties of up to \$25,000 per day of violation, or
- bring a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b), for a permanent or temporary injunction, or to assess and recover civil penalties of up to \$25,000 per day for each violation.

In addition, Section 113(c) of the Act, as amended, 42 U.S.C. § 7413(c), provides for criminal fines or imprisonment, or both, for any person who knowingly violates, among other provisions, any requirement or prohibition of an applicable implementation plan more than 30 days after an NOV has been issued to such person under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1).

Further, under Section 306 of the Act, 42 U.S.C. § 7606, Executive Order 11738 of September 10, 1973 (38 *Federal Register* 28161), and regulations codified at 40 C.F.R. Part 15, facilities at which violations of Act requirements occur may be precluded from 1) performing, in whole or in part, any contracts entered into with a Federal agency, and/or 2) receiving or otherwise benefiting from any Federal assistance extended by way of grant, loan, or contract.

PENALTY ASSESSMENT CRITERIA

Section 113(e)(1) of the Act, as amended, 42 U.S.C. § 7413(e)(1), provides that, in determining the amount of any penalty to be assessed under Section 113 of the Act, 42 U.S.C. § 7413, the Administrator of EPA or the court, as appropriate, shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of violation, and further provides that, for purposes of determining the number of days of violation, where the Administrator of EPA or an air pollution control agency has notified the source of the violation, and makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of the notice, the days of violation shall be presumed to include the date of the notice and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

USX Corporation may, upon request, confer with EPA concerning this NOV. If USX Corporation requests a conference with EPA, USX Corporation should be prepared to describe the

cause(s) of each violation, and any action(s) which USX Corporation took at the time, has taken subsequently, or would propose to take in the future, to address each violation or prevent future violations. If a conference is requested, USX Corporation has the right to be represented by counsel at such conference.

USX Corporation must submit any request for a conference with EPA within 10 days of receipt of this NOV. A request for a conference with EPA, and/or any inquiries regarding this NOV, should be submitted in writing to:

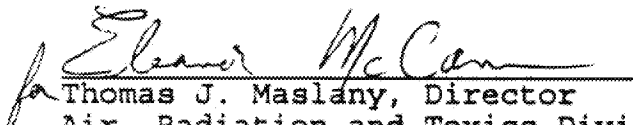
Bernard E. Turlinski, Chief,
Air Enforcement Branch (3AT20)
U.S. Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107.

EFFECTIVE DATE

This NOV shall be effective immediately upon receipt.

Questions Regarding NOV

If you have any questions regarding this NOV, you may contact Bernard E. Turlinski, Chief, Air Enforcement Branch, at (215) 597-3989, or Michael Ioff, of his staff, at (215) 597-9858.


Thomas J. Maslany, Director
Air, Radiation and Toxics Division

12/01/54
Date



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

In Reply Refer To Mail Code: 3AT23

DEC 1 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Roger Westman, Division Manager
Allegheny County Health Department
Division of Air Quality
301 Thirty-ninth Street
Pittsburgh, Pennsylvania 15201

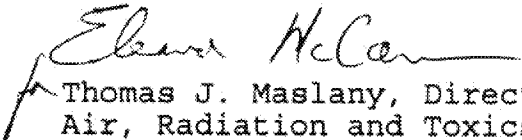
Re: Clean Air Act - Notice of Violation
EPA Docket No. 94-044-PA

Dear Dr. Westman:

Enclosed is a copy of a Notice of Violation (NOV) issued under Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7413(a)(1), to USX Corporation for violations of a requirement of the Coke Oven NESHAP (40 CFR Part 63) and the Pennsylvania State Implementation Plan - Article XX (Section 530). The violations found involve venting the unburned raw coke oven gas to the open air and extended flaring of the raw coke oven gas resulting in excessive emissions of H_2S and SO_2 , as well as other hazardous air pollutants associated with combustion of undesulfurized coke oven gas.

Any questions regarding this NOV should be directed to Bernard E. Turlinski, Chief, Air Enforcement Branch, at (215) 597-3989, or Michael Ioff of his staff, at (215) 597-9858.

Sincerely,


Thomas J. Maslany, Director
Air, Radiation and Toxics Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

SUBJECT: Notice of Violation Under
Section 113(a)(1) of the Clean Air
Act to USX Corporation

DATE:

FROM: Bernard E. Turlinski, Chief
Air Enforcement Branch (3AT20)

TO: Thomas J. Maslany, Director
Air, Radiation and Toxics Division (3AT00)

I. Recommended Action

Signature of the attached Notice of Violation (NOV) notifying USX Corporation that EPA has found that USX Corporation has violated a requirement of the Pennsylvania State Implementation Plan (SIP) and the Coke Oven NESHAP under the federal Clean Air Act at the USX Clairton Works plant located in Pennsylvania. The violations found involve venting the unburned raw coke oven gas to the open air and extended flaring of the raw coke oven gas resulting in excessive emissions of H₂S and SO₂, as well as other hazardous air pollutants associated with combustion of undesulfurized coke oven gas.

II. Location of Violator

Pittsburgh, Pennsylvania

III. Requirements Violated

III.1. The "National Emission Standards for Coke Oven Batteries"; final rule, 40 CFR Part 63, Subparts "A" and "L", established pursuant to section 112 of the CAA as amended November 15, 1990, provide, among other things, that

III.1.1. "Coke oven emissions shall not be vented to the atmosphere through bypass/bleeder stacks, except through the flare system..." [§63.307(a)(2)]

III.1.2. "Each flare shall have either a continuously operable pilot flame or an electronic igniter..."
[§63.307(b)(2)]

III.1.3. "Each flare ... shall be operated with no visible emissions ..., except for periods not to exceed a total of 5 minutes during any 2 consecutive hours."
[§63.307(c)]

III.2. The Pennsylvania SIP includes Article XX, Section 530 which provides, among other things, that "...no person shall operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air."

IV. Nature of Violations and Rationale for NOV

USX Corporation operates a Clairton Works plant located near Pittsburgh, Pennsylvania ("Facility"). The Facility is equipped with coke oven batteries Nos. 1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20, and B. The Facility is also equipped with a by-product chemical recovery plant and a desulfurization plant consisting of vacuum carbonate, cyanide destruction, Claus 400, Claus 600, and Scott Units, as well as with auxiliary facilities.

On October 4, 1994, due to a cable fault at the Electric Distribution Center #1 at the Clairton Works plant, six Main Axis Compressors were temporarily lost resulting in a gas suction pressure drop. Subsequently, the flares were activated at all 12 batteries. The Battery #20 flare failed to ignite because the flare ignition system (pilot flame) was not operable. The inoperable condition of the ignition system was known to the plant personnel for some time before the venting accident occurred. Attempts by the plant personnel to re-light the pilot light before the time of the venting episode were unsuccessful.

The USX Corporation is found to have been in violation of the provisions of the Coke Oven NESHAP (40 CFR Part 63), and Article XX, Section 530, for venting the unburned raw coke oven gas into the open air for a duration of 120 minutes. The estimated quantity of H_2S released into the open air is about 1,200 lbs. Appreciable quantities of other hazardous air pollutants normally presented in the raw coke oven gas were also released. The pilot flame design is being currently evaluated by USX Corporation.

The USX Corporation is also found to have been in violation of the provisions of the Article XX, Section 530 for an extended flaring of the raw coke oven gas at the remaining 11 batteries for a total of 910 minutes. The extended flaring resulted in excessive emissions of hazardous air pollutants associated with combustion of undesulfurized coke oven gas. (The data in paragraphs 8, 9, and 10 have been compiled from the "Notice of Breakdown of Equipment", Article XX - Section 202.C. of October 7, 1994.)

V. State/Local Agency Involvement

Several discussions were held with ACHD personnel (C. Goetz, W. Gilson, and W. Clark) on the subject matter. Mr. Goetz expressed an opinion that ACHD would be willing and able to handle this serious violation pursuant to its quarterly enforcement policy and that it was not necessary for EPA to issue a NOV. Mr. Goetz, however, stated that he would not object to the issuance of a NOV.

It should be noted that

- a) enforcement of the Coke Oven NESHAP has not yet been delegated either to the State, or to the County. Region III is the sole agency responsible for the enforcement of the rule.
- b) the violations are substantial
- c) due to the County's quarterly enforcement programmatic limitation, an anticipated action by the County would not happen before February 1995.

Issuance of a NOV would be a clear indication to USX about the seriousness with which we view these violations. Although a NOV is not necessary for enforcement of NESHAP violations, it is a prerequisite to any enforcement action for violation of a SIP requirement. Therefore, issuance of a NOV would preserve our ability to pursue appropriate enforcement in the future, as warranted.

VI. Conclusion

EPA should proceed to issue the attached Notice of Violation to USX Corporation at the earliest possible date.

Attachment

| Attachment | | | CONCURRENCES | | | | | |
|------------|-------------------|-----------------|----------------|----------------|----------------|---------|--|--|
| SYMBOL | ▶ 3AT23 | 3AT23 | 3AT20 | 3RC11 | 3RC11 | 3AT00 | | |
| SURNAME | ▶ IOFF <i>MSF</i> | LOHMAN | TURLINSKI | SMITH | KATZ | MASLANI | | |
| DATE | ▶ 10/4/94 | <i>10/21/94</i> | <i>11/2/94</i> | <i>11/2/94</i> | <i>11/2/94</i> | | | |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

In Reply Refer to: 3AT23

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles G. Carson, III, Ph.D.
Vice President
Environmental Affairs
USX Corporation
600 Grant Street
Pittsburgh, Pennsylvania 15219-2749

Re: Notice of Violation Issued to USX Corporation
Clairton Works Plant.
EPA Docket No. 94-044-PA
Plant Identification # 42-003-00032.

Dear Dr. Carson:

The United States Environmental Protection Agency (EPA) hereby informs USX Corporation, by the attached Notice of Violation, that it is operating its Clairton Works plant located in Clairton, Allegheny County, Pennsylvania in violation of applicable federally enforceable air pollution control requirements.

EPA has sent copies of this Notice of Violation to Dr. Roger Westman, Division Manager, Allegheny County Health Department, Division of Air Quality; and to the following USX officials: G. T. Weber, Jr., Manager of the Clairton Works plant that is in violation; Richard Dworek, General Manager, Environmental Affairs; and Stephen K. Todd, Senior General Counsel, Environmental.

If you have any questions regarding this Notice, please contact Bernard E. Turlinski, Chief, Air Enforcement Branch at (215) 597-3989 or Michael Ioff of his staff at (215) 597-9858.

Sincerely,

Thomas J. Maslany, Director
Air, Radiation & Toxics Division

Enclosure

cc: William C. Smith, EPA Region III
 David Street, DOJ
 Richard Dworek, USX Corporation
 Stephen Todd, USX Corporation
 Dorothy Servis, Reed, Smith, Shaw & McClay

CONCURRENCES

| | | | | | | | | |
|---------|----------|----------|-----------|----------|----------|----------|--|--|
| SYMBOL | 3AT23 | 3AT23 | 3AT20 | 3RC11 | 3RC11 | 3AT00 | | |
| SURNAME | IOFF | LOHMAN | TURLINSKI | SMITH | KATZ | MASLANY | | |
| DATE | 10/31/94 | 11/21/94 | 11/30/94 | 11/19/94 | 11/23/94 | Emc 12/1 | | |



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

In Reply Refer To Mail Code: 3AT23

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Roger Westman, Division Manager
Allegheny County Health Department
Division of Air Quality
301 Thirty-ninth Street
Pittsburgh, Pennsylvania 15201

Re: Clean Air Act - Notice of Violation
EPA Docket No. 94-044-PA

Dear Dr. Westman:

Enclosed is a copy of a Notice of Violation (NOV) issued under Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7413(a)(1), to USX Corporation for violations of a requirement of the Coke Oven NESHAP (40 CFR Part 63) and the Pennsylvania State Implementation Plan - Article XX (Section 530). The violations found involve venting the unburned raw coke oven gas to the open air and extended flaring of the raw coke oven gas resulting in excessive emissions of H₂S and SO₂, as well as other hazardous air pollutants associated with combustion of undesulfurized coke oven gas.

Any questions regarding this NOV should be directed to Bernard E. Turlinski, Chief, Air Enforcement Branch, at (215) 597-3989, or Michael Ioff of his staff, at (215) 597-9858.

Sincerely,

Thomas J. Maslany, Director
Air, Radiation and Toxics Division

Enclosure

| CONCURRENCES | | | | | | | |
|--------------|----------|--------|-----------|-------|-------|---------|--|
| SYMBOL | 3AT23 | 3AT23 | 3AT20 | 3RC11 | 3RC11 | 3AT00 | |
| SURNAME | IOFF | LOHMAN | TURLINSKI | SMITH | KATZ | MASLANY | |
| DATE | 10-31-94 | | | | | | |

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

| | |
|----------------------|---------------------|
| -----X | |
| In the Matter of: | Notice of Violation |
| USX Corporation | |
| Clairton Works plant | EPA Docket No. |
| AFS # 42-003-00032 | 94-044-PA |
| -----X | |

STATUTORY AUTHORITY

THIS NOTICE OF VIOLATION (NOV) is issued pursuant to Section 113(a)(1) of the Clean Air Act (the Act), as amended on November 15, 1990 by P.L. 101-549, 42 U.S.C. Section 7413(a)(1), to USX Corporation for violations of the federally enforceable Pennsylvania State Implementation Plan (SIP) at the Clairton Works plant located near Pittsburgh, Pennsylvania. Section 113(a)(1) of the Act requires the Administrator of the United States Environmental Protection Agency (EPA) to notify a person in violation of a state implementation plan or permit of the violation. The authority to issue NOV's for SIP violations has been delegated to the Director of EPA Region III's Air, Radiation & Toxics Division.

This NOV further notifies USX Corporation that the conduct or actions giving rise to the SIP violation at the Clairton Works plant also constitute violations of the "National Emission Standards for Coke Oven Batteries" (Coke Oven NESHAP).

FINDINGS

1. EPA is authorized by the Act to take action to ensure that air pollution sources comply with all federally applicable air pollution control requirements. These include requirements promulgated by EPA and those contained in federally enforceable state implementation plans or permits.
2. The term "applicable implementation plan" is defined in Section 302(q) of the Act, 42 U.S.C. § 7602(q).
3. The applicable implementation plan for the state of Pennsylvania [hereinafter referred to as the "Pennsylvania SIP"] is codified at 40 C.F.R. Part 52, Subpart NN, § 52.2020 et seq.
4. The Pennsylvania SIP includes Article XX, Section 530 of the rules and regulations of the Allegheny County Health Department governing air pollution control, (hereafter, Article XX, Section 530), which provides, among other things, that

4.1. "...no person shall operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air."

4.2. "...no person shall flare, mix or combust coke oven gas ... unless the concentration of sulfur compounds, expressed as hydrogen sulfide, in such gas is less than or equal to ... 50 grains per hundred dry cubic feet of coke oven gas."

5. The "National Emission Standards for Coke Oven Batteries"; final rule, 40 CFR Part 63, Subparts "A" and "L", established pursuant to section 112 of the CAA as amended November 15, 1990, provides, among other things, that

5.1. "Coke oven emissions shall not be vented to the atmosphere through bypass/bleeder stacks, except through the flare system..." [§63.307(a)(2)]

5.2. "Each flare shall have either a continuously operable pilot flame or an electronic igniter..." [§63.307(b)(2)]

5.3. "Each flare ... shall be operated with no visible emissions ..., except for periods not to exceed a total of 5 minutes during any 2 consecutive hours." [§63.307(c)]

6. USX Corporation operates the Clairton Works plant located near Pittsburgh, Pennsylvania ("Facility"). The Facility is equipped with coke oven batteries Nos. 1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20, and B. The Facility is also equipped with a by-product chemical recovery plant and a desulfurization plant consisting of vacuum carbonate, cyanide destruction, Claus 400, Claus 600, and Scott Units, as well as with auxiliary facilities. The plant rated production capacity is more than seventy million dry standard cubic feet of coke oven gas per day.

7. On October 4, 1994, due to a reported cable fault at the Electric Distribution Center #1 at the Clairton Works plant, five Main Axi Compressors were temporarily disabled resulting in a gas suction pressure drop. Subsequently, the flares were activated at all 12 batteries. The Battery #20 flare failed to ignite because the flare ignition system (pilot flame) was not operable. The inoperable condition of the ignition system was known to the plant personnel for some time before the venting accident occurred. Attempts by the plant personnel to re-light the pilot flame before the time of the venting episode were unsuccessful.

8. As a result of the event described in Paragraph 7 above, USX Corporation is found to have been in violation of the provisions of the Coke Oven NESHAP (40 CFR Part 63) and Article XX, Section 530 of the Pennsylvania SIP for venting the unburned raw coke oven gas into the open air for a duration of 120

minutes. The estimated quantity of H_2S released into the open air is approximately 1,200 pounds. Appreciable quantities of other hazardous air pollutants normally present in the raw coke oven gas were also released.

9. As a result of the event described in Paragraph 7 above, USX Corporation is also found to have been in violation of provisions of Article XX, Section 530 of the Pennsylvania SIP for an extended flaring of the raw coke oven gas at the remaining 11 batteries for a total of 910 minutes. The flaring resulted in excessive emissions of hazardous air pollutants associated with flaring/combustion of undesulfurized coke oven gas with the concentration of hydrogen sulfide in the gas being substantially higher than 50 grains per 100 dry standard cubic feet.

10. The data in paragraphs 7, 8 and 9 have been compiled from the "Notice of Breakdown of Equipment Article XX - Section 202.C." dated October 7, 1994 that was prepared by USX Corporation and received by EPA on November 3, 1994.

11. Therefore, USX Corporation is found to have been in violation of the federally enforceable Coke Oven NESHAP (40 CFR Part 63) and the Pennsylvania SIP (Article XX, Section 530) since 10/04/94, and will be presumed to remain in violation until it establishes continuous compliance by determining the reason (or reasons) for the Battery #20 flare ignition system failure and by taking the necessary corrective actions.

ENFORCEMENT

Section 113(a)(1) of the Act, as amended, 42 U.S.C. § 7413(a)(1), provides that at any time after the expiration of 30 days following the date on which an NOV is issued, the Administrator of EPA, or an EPA official authorized to act as her representative, may, without regard to the period of violation (subject to 28 U.S.C. § 2462) to the following actions with respect to violations of a state implementation plan:

- issue an order requiring the person to comply with the requirements or prohibitions of the applicable federal regulation, state implementation plan or permit,
- issue an administrative penalty order in accordance with Section 113(d) of the Act, 42 U.S.C. § 7413(d), assessing civil administrative penalties of up to \$25,000 per day of violation, or
- bring a civil action in accordance with Section 113(b) of the Act, 42 U.S.C. § 7413(b), for a permanent or temporary injunction, or to assess and recover civil penalties of up to \$25,000 per day for each violation.

In addition, Section 113(c) of the Act, as amended, 42 U.S.C. § 7413(c), provides for criminal fines or imprisonment, or both, for any person who knowingly violates, among other provisions, any requirement or prohibition of an applicable implementation plan more than 30 days after an NOV has been issued to such person under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1).

Further, under Section 306 of the Act, 42 U.S.C. § 7606, Executive Order 11738 of September 10, 1973 (38 Federal Register 28161), and regulations codified at 40 C.F.R. Part 15, facilities at which violations of Act requirements occur may be precluded from 1) performing, in whole or in part, any contracts entered into with a Federal agency, and/or 2) receiving or otherwise benefiting from any Federal assistance extended by way of grant, loan, or contract.

PENALTY ASSESSMENT CRITERIA

Section 113(e)(1) of the Act, as amended, 42 U.S.C. § 7413(e)(1), provides that, in determining the amount of any penalty to be assessed under Section 113 of the Act, 42 U.S.C. § 7413, the Administrator of EPA or the court, as appropriate, shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

Section 113(e)(2) of the Act, as amended, 42 U.S.C. § 7413(e)(2), allows the court to assess a penalty for each day of violation, and further provides that, for purposes of determining the number of days of violation, where the Administrator of EPA or an air pollution control agency has notified the source of the violation, and makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of the notice, the days of violation shall be presumed to include the date of the notice and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator can prove by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

USX Corporation may, upon request, confer with EPA concerning this NOV. If USX Corporation requests a conference with EPA, USX Corporation should be prepared to describe the

cause(s) of each violation, and any action(s) which USX Corporation took at the time, has taken subsequently, or would propose to take in the future, to address each violation or prevent future violations. If a conference is requested, USX Corporation has the right to be represented by counsel at such conference.

USX Corporation must submit any request for a conference with EPA within 10 days of receipt of this NOV. A request for a conference with EPA, and/or any inquiries regarding this NOV, should be submitted in writing to:

Bernard E. Turlinski, Chief,
Air Enforcement Branch (3AT20)
U.S. Environmental Protection Agency, Region III
841 Chestnut Building
Philadelphia, Pennsylvania 19107.

EFFECTIVE DATE

This NOV shall be effective immediately upon receipt.

Questions Regarding NOV

If you have any questions regarding this NOV, you may contact Bernard E. Turlinski, Chief, Air Enforcement Branch, at (215) 597-3989, or Michael Ioff, of his staff, at (215) 597-9858.

Thomas J. Maslany, Director
Air, Radiation and Toxics Division

Date

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| CONCURRENCES | | | | | | | |
|--------------|----------|---------|-----------|---------|-------|---------|--|
| SYMBOL | 3AT23 | 3AT23 | 3AT20 | 3RC11 | 3RC11 | 3AT00 | |
| SURNAME | IOFF | LOHMAN | TURLINSKI | SMITH | KATZ | MASLANY | |
| DATE | 10/31/94 | 11-3-94 | 11/30/94 | 11/9/94 | | 12/1/94 | |